

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHEYENNE OIL, GAS, & MINERALS : CIVIL ACTION NO. 1:16-CV-1838	
LLC,	
Plaintiff	
v.	
SCOUT PETROLEUM II, LP, et al.,	
Defendants	

ORDER

AND NOW, this 25th day of April, 2017, upon consideration of defendants' supplemental motion (Doc. 26) to dismiss for lack of jurisdiction, wherein defendants assert that the parties lack full diversity because the managing member of plaintiff Cheyenne Oil, Gas, & Minerals LLC ("Cheyenne") maintains his domicile in Texas, (*id.* ¶¶ 8-10), and because several of defendants' corporate members are also domiciled in Texas, (*id.* ¶¶ 4-5), and upon further consideration of the court's order (Doc. 29) directing Cheyenne to show cause why the court should not deem defendants' supplemental motion unopposed pursuant to the Local Rules of Court, and Cheyenne's response (Doc. 30) thereto, and the court acknowledging that district courts may exercise diversity jurisdiction when the amount in controversy exceeds \$75,000 and the parties are fully diverse, 28 U.S.C. § 1332(a); see also Zambelli Fireworks Mfg. Co. v. Wood, 592 F.3d 412, 419 (3d Cir. 2010) (citing Exxon Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 553 (2005); Kaufman v. Allstate N.J. Ins. Co., 561 F.3d 144, 148 (3d Cir. 2009)), and that the court must consider the citizenship of each member of a limited liability corporation for

purposes of establishing the parties' citizenship, Zambelli, 592 F.3d at 419-20, but it appearing that Cheyenne and defendants both maintain limited liability corporation members domiciled in Texas, (Doc. 26 ¶¶ 4-11), and that Cheyenne does not oppose defendants' motion as it cannot dispute defendants' representations regarding the parties' diversity of citizenship, (Doc. 30), and the court concluding that the parties lack full diversity, and that there is accordingly no basis upon which to exercise jurisdiction *sub judice*, it is hereby ORDERED that:

1. Defendants' supplemental motion (Doc. 26) to dismiss is GRANTED.
2. Plaintiff's complaint (Doc. 1) is DISMISSED without prejudice to refiling thereof in a court of appropriate jurisdiction.
3. Defendants' initial motion (Doc. 14) to dismiss for failure to state a claim is DENIED as moot.
4. The Clerk of Court is directed to CLOSE the case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania